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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/829,082 | 04/22/2004 | Mario Campion | | 6029 |

7590 04/25/2005

INVENTARIUM
SUITE 1607
4050, ROSEMONT BLVD
MONTREAL, QC H1X1M4
CANADA

EXAMINER

JUBA JR, JOHN

| ART UNIT | PAPER NUMBER |
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2872

DATE MAILED: 04/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/829,082

Applicant(s)

CAMPION, MARIO

Examiner

John Juba, Jr.

Art Unit

2872

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>04/22/2004</u> | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Objections

Claim 9 is objected to because of the following informalities. Appropriate correction is required:

In claim 9, "said ball joint" lacks antecedent basis. It is thought that claim 9 was to depend instead from claim 7.

Claim Rejections - 35 USC § 112

Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 10 is confusing or incorrect in reciting that the ball joint receptacle is attached to the frame structure, since the base claim (7) recites that the ball joint receptacle is attached to the back of the mirror with the ball joint extending from the frame structure. Thus, the claim is confusing as contradicting the base claim and/or incorrect in its dependency. It is thought that claim 10 was intended to depend instead from claim 8.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 – 3 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Yoshiro (JP 55-124102 A). Referring to the figures and English-language abstract, Yoshiro discloses a frame structure to support a mirror inside a vehicle comprising:

- a flexible, pliable frame structure (2) having two opposite ends;
- a first end having an adhesive substance (3) to adhere to part of a vehicle;
- a second end onto which a mirror (1) is attached by some means;
- said frame being pliable along two bends to obtain a given configuration.

It is clear that since the attaching angles of the mirror is regulated after attachment, the frame member is being bent. Thus, Yoshiro fairly conveys that the frame structure is flexible and pliable within the specificity recited.

With regard to claims 2 and 3, the frame on the right-hand side of mirror (9) in Figure 4 bends along Z-fold configuration. The frame on the left-hand side of mirror (9) in Figure 4 bends along a triangular configuration as meant in the present specification.

With regard to claim 6, since the claim is clearly drawn an article of manufacture, the recitation of the “method of installation” is construed as limitative of the claimed *structure* for all that it conveys to those of ordinary skill about the structure. In the instant case, it is clear that the article:

- must begin with a “peel and stick film” (*i.e.*, release layer or cover slip) with an underlying adhesive layer on a first end [of the frame];

possibly comprises a factory-installed mirror, and if no factory installed mirror is present, the frame must be capable of having a mirror installed on one end thereof;
must be capable of being installed proximal a door inside a vehicle by way of said adhesive; and the article
must allow a user to induce "the proper bends into bends on said frame structure so as to provide adequate placement of said mirror".

In the instant case, those skilled in the art will recognize the familiar structure of the double-stick tape (3) of Yoshiro in Figure 2 as comprising a "peel and stick film" (7), adhesive layer (6), foam backing (5), and adhesive layer (4). The prior art article includes a factory installed mirror, is clearly capable of being installed just about anywhere in the vehicle, and is clearly capable of being bent to provide adequate placement of the mirror.

Claims 1, 4, and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Brown (U.S. Patent number 4,793,701). Referring to the text and figures Brown discloses a frame structure to support a mirror inside a vehicle comprising:

- a flexible, pliable [wire-]frame structure (18) having two opposite ends;
- a first end having an adhesive substance (22) to adhere to part of a vehicle;
- a second end onto which a mirror (16)(32) is attached by adhesive means (34);
- said frame being pliable along two bends to obtain a given configuration.

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With regard to claim 6, the claim has been construed as previously discussed immediately above (in connection with Yoshiro). The article of Brown comprises the peel and stick film (26) and is clearly capable of installation in the recited manner.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshiro (JP 55-124102 A), in view of Wang (U.S. Patent number 6,710,710). As set forth above for claim 1, Yoshiro discloses the invention substantially as claimed. However, Yoshiro does not disclose the frame structure being attached on an interior side of a vehicle's door, as recited.

In the same field of endeavor, Wang teaches that prior art mirrors that provide a rear view for the driver only do not provide adequate protection of vehicle occupants as they exit the vehicle. In order to overcome this deficiency, Wang suggests providing a mirror frame attached at one end thereof to the interior of a vehicle door, and attached at the other end thereof to a mirror element (see *e.g.*, discussion of Figures 2A & 2B). Wang teaches that provision of a mirror at this location permits vehicle occupants to check for themselves when it is safe to exit the vehicle.

It would have been obvious to one of ordinary skill to mount the mirror of Yoshiro on an interior surface of a vehicle's door, in the interest of permitting vehicle occupants to use the mirror to check for safe egress, as suggested by Wang. One of ordinary skill would have appreciated the many obvious advantages that would attend enhanced safety for vehicle occupants.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshiro, in view of Shutt (U.S. Patent number 3,989,359). As set forth above for claim 1, Yoshiro discloses the invention substantially as claimed. However, Yoshiro does not disclose the frame structure wherein the mirror is attached to the second end by way of a ball joint receptacle extending from the second end of the frame structure and cooperating with a ball joint situated at the back of the mirror.

Shutt discloses a flexible, pliable frame (15) having a mirror connected by way of ball joint receptacle on a second end of the pliable frame and cooperating with a ball joint that may be attached to the back of the mirror (11) [Col. 2, lines 289 – 38]. Shutt teaches that while the flexible, pliable frame may be bent to accommodate a variety of installations, the ball-and-socket connection provides "total adjustability" of the mirror (11) [Col. 2, lines 50 – 57].

It would have been obvious to one of ordinary skill to attach mirror of Yoshiro to the second end of the pliable frame by way of a ball joint receptacle extending from the second end of the frame structure and cooperating with a ball joint situated at the back of the mirror, in the interest of providing the mirror with total adjustability, as suggested

by Shutt. One of ordinary skill would have recognized that while the metal plate (2) of Yoshiro provides adjustment about the vertical axes of the bends, there would have been somewhat limited adjustability about the horizontal axis. Thus, the provision of a universal joint, such as that of Shutt, would have permitted improved adjustability, and enhanced viewing. One of ordinary skill would have appreciated that improved viewing during operation of a motor vehicle is attended by obvious advantages, such as enhanced safety.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshiro, in view of Shutt (U.S. Patent number 3,989,359), and further in view of La Hodny, et al (U.S. Patent number 1,991,363). As set forth above for claim 1, Yoshiro discloses the invention substantially as claimed. However, Yoshiro does not disclose the frame structure wherein the mirror is attached to the second end by way of a ball joint receptacle extending from the second end of the frame structure and cooperating with a ball joint situated at the back of the mirror.

Shutt discloses a flexible, pliable frame (15) having a mirror connected by way of ball joint receptacle on a second end of the pliable frame and cooperating with a ball joint that may be attached to the back of the mirror (11) [Col. 2, lines 289 – 38]. Shutt teaches that while the flexible, pliable frame may be bent to accommodate a variety of installations, the ball-and-socket connection provides “total adjustability” of the mirror (11) [Col. 2, lines 50 – 57].

It would have been obvious to one of ordinary skill to attach mirror of Yoshiro to the second end of the pliable frame by way of a ball joint receptacle extending from the second end of the frame structure and cooperating with a ball joint situated at the back of the mirror, in the interest of providing the mirror with total adjustability, as suggested by Shutt. One of ordinary skill would have recognized that while the metal plate (2) of Yoshiro provides adjustment about the vertical axes of the bends, there would have been somewhat limited adjustability about the horizontal axis. Thus, the provision of a universal joint, such as that of Shutt, would have permitted improved adjustability, and enhanced viewing. One of ordinary skill would have appreciated that improved viewing during operation of a motor vehicle is attended by obvious advantages, such as enhanced safety. Thus, Yoshiro and Shutt fairly suggest the invention as claimed, but do not disclose the recited arrangement wherein the locations of the ball and ball receptacle are reversed.

In the same field of endeavor, La Hodny, et al disclose a similar ball-and-socket arrangement (Figs. 7 – 9), wherein the ball joint is provided on the back of the mirror and the ball receptacle is provided on the frame so as to form a universal joint providing complete adjustability of a rear viewing mirror. La Hodny, et al teach that this arrangement is just a reversal of earlier arrangements (Figs. 1 – 6) wherein the ball joint is provided on the frame in cooperating relationship with a ball receptacle mounted on the rear of the mirror (2nd Column on Pg. 2, lines 35+). One of ordinary skill would have recognized this as fairly teaching the equivalence of the two arrangements for the purpose of providing complete adjustability to a rear-viewing mirror.

Barring any *unexpectedly* improved result arising from the interchange of these elements, it would have been obvious to one of ordinary skill to provide the ball joint of Yoshiro and Shutt on the frame's second end and to provide the ball receptacle on the rear of the mirror, since La Hodny, et al fairly teach the equivalence of the two arrangements for providing complete mirror adjustability.

To the extent that the intended scope of the claim is understood, claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshiro, in view of Shutt, and further in view of DiSalvatore (U.S. Patent number 4,941,638). As set forth above for claim 8, Yoshiro and Shutt suggest the invention substantially as claimed. However, these references do not disclose the ball joint receptacle as being adhesively attached to the frame structure, as recited.

In the same field of endeavor, DiSalvatore discloses a mirror for mounting on a vehicle interior, the mirror comprising a ball-and-socket arrangement for adjustability. DiSalvatore discloses adhesive as a convenient means for attaching components (1) and (4) of the ball receptacle with each other, and as a convenient means for attaching these components to a supporting surface.

It would have been obvious to one of ordinary skill to use adhesive to attach the ball receptacle of Yoshiro and Shutt to the frame structure, since Shutt teaches attachment by welding, brazing, or otherwise, and since DiSalvatore suggests adhesive as a convenient attachment means. One of ordinary skill would have appreciated that the use of an adhesive would have obviated the need for highly skilled or robotic

assembly, and thus would have offered the rather obvious advantages of reduced assembly costs.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshiro, in view of Shutt and La Hodny, et al, and further in view of DiSalvatore (U.S. Patent number 4,941,638). As set forth above for claim 7, Yoshiro, Shutt, and La Hodny, et al suggest the invention substantially as claimed. However, these references do not disclose the ball joint as being adhesively attached to the frame structure, as recited.

In the same field of endeavor, DiSalvatore discloses a mirror for mounting on a vehicle interior, the mirror comprising a ball-and-socket arrangement for adjustability. DiSalvatore discloses adhesive as a convenient means for attaching a ball joint (5) to the back of a mirror (6).

It would have been obvious to one of ordinary skill to use adhesive to attach the ball joint of Yoshiro, Shutt, and La Hodny to the frame structure, since La Hodny teaches that the ball joint can be attached by any convenient manner, and since DiSalvatore suggests adhesive as a convenient attachment means. One of ordinary skill would have appreciated that the use of an adhesive would have obviated the need for tools during assembly.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Nolan-Brown (U.S. Patent number 6,485,154) discloses a mirror frame comprising a flexible [wire-]frame, a convex or planar mirror element at one end, and an peel-and-stick adhesive arrangement at the other end.

Morries (U.S. Patent number 3,485,555) discloses a flexible mirror frame mounted near the rear door of a vehicle and bent into a desired viewing orientation.

Therasse (U.S. Patent number 1,663,672) discloses a mirror frame bent into a variety of desired viewing orientations.

Noisom (U.S. Patent number 1,388,292) discloses flexible, pliable frame for mounting a mirror in a motor vehicle, the mirror being attached to the frame with a pivot joint.

Wilson (Des. 306,277) discloses a convex mirror.

Barows (Des. 274,054) discloses an adjustable mirror.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Juba whose telephone number is (571) 272-2314. The examiner can normally be reached on Mon.-Fri. 9 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Drew Dunn whose number is (571) 272-2312 and who can be reached on Mon.- Thu., 9 - 5.

The centralized fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306 for *all* communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2800.


JOHN JUBA, JR.
PRIMARY EXAMINER
Art Unit 2872

April 20, 2005